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09/078,469	05/14/1998	YASUSHI TAKAHASHI	450100-4487	7293

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EXAMINER	
HUYNH, SON P	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/078,469	TAKAHASHI ET AL.	
	Examiner	Art Unit	
	Son P. Huynh	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,7,9-11,13 and 17-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,7,9-11,13 and 17-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on July 8, 2005 have been fully considered but they are not persuasive.

Applicant argues neither Herz nor Cannon teach or suggest the group user model is employed to retrieve information in accordance with one of a plurality of user-selectable modes, wherein said plurality of user selectable modes includes a maximum value mode, a minimum value mode, and an average value mode" (page 13, paragraphs 4-5).

In response, this argument is respectfully traversed. Herz discloses the weight of program/category can be determined by user selection to input specific rating from 0-10 for each program/category, rating value of zero means least satisfaction with the category and rating value of 10 means the greatest satisfaction (col. 12, lines 26-58). Inherently, rating value between 0 and 10 means average satisfaction. Herz further clustering customer profiles and the recommended list, for cluster of customer profiles, is provided accordance with user input rating value. For example, category with user input rating value of zero is excluded from the recommended list (col. 11, lines 1-35; col. 15, lines 7-61, col. 21, line 20-63). Herz further discloses the weight of program/category can be

indicated by user selection of "like", "dislike" for each characteristic (col. 11, lines 30-37, col. 34, lines 47-60) or passive feedback (col. 31, lines 1-30). Thus, the claimed feature of "group user model is employed to retrieve information in accordance with one of a plurality of user selectable modes" is broadly met by the clustering customer profiles is employed to retrieve information in accordance with one of a user selectable rating value i.e., select a rating value of 10 or "like", wherein the claimed feature of "said plurality of user selectable modes includes a maximum value mode, a minimum value mode, and an average value mode" is broadly met by the user select rating values includes greatest satisfaction (i.e. select a rating value of 10 or "like"), least satisfaction (i.e. select a rating value of zero or "dislike"), and average satisfaction (i.e. select a rating value of 5).

For the reasons given above, rejections on claims 1, 3-5, 7, 9-11, 13, 17-28 are discussed as follow.

Claims 2, 6, 8, 12, 14-16 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

> matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-5, 7, 9-11, 13, 19-21, 23-25, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US 6,088,722) and in view of Cannon (US 6,029,176).

Regarding claim 1, Herz discloses a method for accessing to video programs and other data using customer profiles comprising the steps of:

forming a specific user's own specific user model based on general user selection taste data comprising classification items and information contents on the basis of a general user group classified according to a user attributer and/ or the state of information utilization, and based on the basis information selection taste data of the specific user (see col. 14, lines 1- 49);

registering specific user model formed for each of plural users so as to correspond to respective users (storing user profile for each respective users– col. 9, lines 42-63);

retrieving the information suiting one or more specific user model (s) based on the one or more specific user model (s) among a plurality of specific user models (col. 25, line 45 – col. 27, line 38; col. 48, lines 18-25 and col. 52, line 40 – col. 53, line 30); and

forming a group user model (clustering customer profiles) on the basis of the plurality of specific user models and retrieving information based on the group

user model (see col. 5, lines 40-59, col. 15, lines 40-50), wherein the group user model is employed to retrieve information in accordance with one of a plurality of user selectable modes, wherein the plurality of user selectable modes includes a maximum value mode, minimum value mode, and an average value mode (broadly met by cluster customer profiles is used to retrieve information (i.e., recommended list) in accordance with one of the select rating value i.e., greatest satisfaction or "like", wherein the selection ratings values includes greatest satisfaction (i.e., rating value of 10 or "like"), least satisfaction (i.e., rating value of zero or "dislike"), and an average satisfaction (e.g. rating value of 5) – see (col. 11, lines 1-35; col. 15, lines 7-61, col. 21, line 20-63);
wherein a determination of the information retrieval method is based on the priority order data and not on user-input value mode (determination of information retrieval method based on user profile which formed by passive feedback information, "like", "dislike", etc., not directly based on user-inputted value modes- col. 26, line 10-col. 28, line 58; col. 30, line 17-col. 31, line 67). However, Herz does not explicitly disclose priority order tables.

Cannon teaches retrieving information based on the priority order tables (targeting information based on tables includes: age; gender; income; level of education; hours of weekly television viewing, etc. – col. 19, line 55-col. 20, line 67; figures 5-7,10-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz to use the

teaching as taught by Cannon in order to store multiple elements simultaneously in a predetermined order for quickly and easily retrieving (col. 3, lines 3-5).

Regarding claim 3, Herz in view of Cannon teaches the method as discussed in the rejection of claim 1. Herz further discloses the method comprising the steps of storing the group user model set-top multimedia terminal (see col. 26, lines 2-5 and col. 48, line 18-25). Herz further discloses on display guide 914, recommended programming (based on user profile) is highlighted in an obvious manner or reordered for the customer's perusal and selection of the desired programming (col. 47, lines 13-35). Necessarily, Herz teaches displaying a program menu (guide) at the end user equipment in a prioritized format according to the user model according with a request from a user to retrieve the program menu.

Regarding claim 4, Herz further teaches wherein when the maximum value mode is selected, a genre having the highest degree of taste (customer's most preferred category) is continually selected from among a plurality of genres (westerners, comedies, dramas, etc.) constituting the group user model and liked by each specific user of the group (see col. 11, line 60-col. 12, line 58).

Regarding claim 5, Herz further teaches wherein when the minimum value mode is selected, at least a genre having the lowest degree of taste is continually selected from among the genres constituting the group user model and liked by

each specific user of the group (for example, displaying category with least satisfaction, which has scale of zero- col. 11, lines 1-35; col. 12, lines 26-67, col. 20, lines 15-67).

Regarding claims 7, 9-11, the apparatus elements being claimed correspond to the method elements of claims 1, 3-5 and analyzed as discussed with respect to claims 1, 3-5.

Regarding claim 13, Herz discloses a method for accessing to video programs and other data using customer profiles comprising the steps of:
forming a specific user model for a specific user based at least upon the specific user's own selection data (see col. 14, lines 1- 49);
registering the specific user model formed for each of plural users, whereby a plurality of specific user models are registered and correspond to respective users (storing user profile correspond to respective users – col. 9, lines 41-62);
forming a group user model (clustering customer profiles) on the basis of the plurality of specific user models and retrieving information based on the group user model (see col. 5, lines 40-59, col. 15, lines 40-50), wherein the group user model is employed to retrieve information in accordance with one of a plurality of user selectable modes, wherein the plurality of user selectable modes includes a maximum value mode, minimum value mode, and an average value mode (broadly met by cluster customer profiles is used to retrieve information (i.e., recommended list) in accordance with one of the select rating value i.e., greatest

satisfaction or "like", wherein the selection ratings values includes greatest satisfaction (i.e., rating value of 10 or "like"), least satisfaction (i.e., rating value of zero or "dislike"), and an average satisfaction (e.g. rating value of 5) – see (col. 11, lines 1-35; col. 15, lines 7-61, col. 21, line 20-63);
wherein a determination of the information retrieval method is based on the priority order data and not on user-input value mode (determination of information retrieval method based on user profile which formed by passive feedback information, "like", "dislike", etc., not directly based on user-inputted value modes- col. 26, line 10-col. 28, line 58; col. 30, line 17-col. 31, line 67). However, Herz does not explicitly disclose priority order tables.

Cannon teaches retrieving information based on the priority order tables (targeting information based on tables includes: age; gender; income; level of education; hours of weekly television viewing, etc. – col. 19, line 55-col. 20, line 67; figures 5-7,10-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz to use the teaching as taught by Cannon in order to store multiple elements simultaneously in a predetermined order for quickly and easily retrieving (col. 3, lines 3-5).

Regarding claim 19, Herz in view of Cannon teaches a method as discussed in the rejection of claim 3. Herz further teaches the program menu is an EPG (program guide), which is displayed, in the prioritized format via rearrangement of

menu content of the EPG in accordance with a genre priority order according to the selected group user model (col. 47, lines 11-30).

Regarding claim 20, Herz in view of Cannon teaches a method as discussed in the rejection of claim 3. Herz further the program menu is an electronic program guide (electronic program or display guide) which is displayed in the prioritized format via display of selected menu contents of the EPG in a differentiating manner with respect to non-selected menu content on common screen (highlighting recommended program on display guide 194 -see col. 47, lines 15-30), the selected menu contents being selected in accordance with the group user model (col. 47, lines 15-30; col. 49, lines 10-62).

Regarding claim 21, Herz discloses a method for recommending one or more video programs meeting a group user preference (col. 5, lines 40-59; col. 8, lines 21-36), comprising:

enabling each user of a group of users of common end user equipment to input video program preference data (user input user's preference directly or by monitoring the viewer behaviors – col. 11, line 1-col. 12, line 40);

processing the inputted program preference data to create a specific user model for each user in the group (processing inputted preference data to create user profile for each user in the cluster – col. 12, lines 9-58; col. 13, line 42-col. 14, line 64);

forming a group user model on the basis of the plurality of specific user models (forming a cluster of customers based on the plurality of specific customer profiles – col. 15, lines 40-61; col. 30, line 64-col. 31, line 23; col. 35, line 5-40);

retrieving information based on priority order located in the group user model (col. 36, lines 10-23; col. 47, lines 1-30);

storing the formed group user model in a group user's preference database (storing the formed cluster in database– col. 42, lines 55-63);

receiving program guide information (col. 25, lines 55-62; col. 43, lines 2-15);

base on the group's user preference in database, recommended programming may be highlighted directly on the electronic program guide (col. 23, lines 40-67). Inherently, one or more programs which may be of interest to a group user by use of the group user's preference database and the program guide information is determined;

generating a display signal representing a prioritized screen which includes a list of the determined programs (col. 23, lines 20-67);

selecting, via a user interface, a program from the displayed list for viewing (the viewer watch program-col. 35, lines 30-50. Inherently, the program from the list is selected);

wherein the group user model is employed to retrieve information in accordance with one of a plurality of user selectable modes, wherein the plurality of user selectable modes includes a maximum value mode, minimum value mode, and an average value mode (broadly met by cluster customer profiles is used to retrieve information (i.e., recommended list) in accordance with one of the select

rating value i.e., greatest satisfaction or "like", wherein the selection ratings values includes greatest satisfaction (i.e., rating value of 10 or "like"), least satisfaction (i.e., rating value of zero or "dislike"), and an average satisfaction (e.g. rating value of 5) – see (col. 11, lines 1-35; col. 15, lines 7-61, col. 21, line 20-63);

wherein a determination of the information retrieval method is based on the priority order data and not on user-input value mode (determination of information retrieval method based on user profile which formed by passive feedback information, "like", "dislike", etc., not directly based on user-inputted value modes- col. 26, line 10-col. 28, line 58; col. 30, line 17-col. 31, line 67). However, Herz does not explicitly disclose priority order tables.

Cannon teaches retrieving information based on the priority order tables (targeting information based on tables includes: age; gender; income; level of education; hours of weekly television viewing, etc. – col. 19, line 55-col. 20, line 67; figures 5-7,10-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz to use the teaching as taught by Cannon in order to store multiple elements simultaneously in a predetermined order for quickly and easily retrieving (col. 3, lines 3-5).

Regarding claims 23-24, the additional limitations as claimed correspond to the additional limitations as claimed in claims 19-20 respectively, and are analyzed as discussed with respect to the rejection of claims 19-20.

Regarding claims 25, 27-28, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 21,23-24 and are analyzed as discussed with respect to the rejection of claims 21, 23-24.

4. Claims 17-18, 22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US 6,088,722) and in view of Cannon (US 6,029,176) as applied to claim 1 above, and further in view of Klosterman (US 6,469,753).

Regarding claim 17, Herz in view of Cannon teaches a method as discussed in the rejection of claim 1. Herz further teaches the group user model is formed exclusively on the basis of a plurality of specific user models formed for users of demographic, psychographics customer profile or other information (see col. 35, lines 5-67). However, neither Herz nor Cannon specifically discloses grouping based on user equipment of a household.

Klosterman discloses grouping based on user equipment of a household (grouping all users that own Magnavox television- col. 9, lines 1-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz and Cannon to use the teaching as taught by Klosterman in order to reduce complication in data processing such as only one format is needed for group of users that has the same equipment.

Regarding claim 18, Herz in view of Cannon and Klosterman teaches a method as discussed in the rejection of claim 17. Klosterman further teaches common end user equipment is television equipment (Magnavox television- col. 9, lines 3-6).

Regarding claims 22,26, the additional limitations as claimed correspond to the additional limitations of claim 17, and are analyzed as discussed with respect to the rejection of claim 17.

5. Claims 1, 3-5, 7, 9-11, 13, 19-21, 23-25, 27-28 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (US 6,088,722) and in view of Gordon et al. (US 5,920,700).

Regarding claim 1, Herz discloses a method for accessing to video programs and other data using customer profiles comprising the steps of:
forming a specific user's own specific user model based on general user selection taste data comprising classification items and information contents on the basis of a general user group classified according to a user attributer and/ or the state of information utilization, and based on the basis information selection taste data of the specific user (see col. 14, lines 1- 49);
registering specific user model formed for each of plural users so as to correspond to respective users (storing user profile for each respective users– col. 9, lines 42-63);

retrieving the information suiting one or more specific user model (s) based on the one or more specific user model (s) among a plurality of specific user models (col. 25, line 45 – col. 27, line 38; col. 48, lines 18-25 and col. 52, line 40 – col. 53, line 30); and

forming a group user model (clustering customer profiles) on the basis of the plurality of specific user models and retrieving information based on the group user model (see col. 5, lines 40-59, col. 15, lines 40-50), wherein the group user model is employed to retrieve information in accordance with one of a plurality of user selectable modes, wherein the plurality of user selectable modes includes a maximum value mode, minimum value mode, and an average value mode (broadly met by cluster customer profiles is used to retrieve information (i.e., recommended list) in accordance with one of the select rating value i.e., greatest satisfaction or "like", wherein the selection ratings values includes greatest satisfaction (i.e., rating value of 10 or "like"), least satisfaction (i.e., rating value of zero or "dislike"), and an average satisfaction (e.g. rating value of 5) – see (col. 11, lines 1-35; col. 15, lines 7-61, col. 21, line 20-63);

wherein a determination of the information retrieval method is based on the priority order data and not on user-input value mode (determination of information retrieval method based on user profile which formed by passive feedback information, "like", "dislike", etc., not directly based on user-inputted value modes- col. 26, line 10-col. 28, line 58; col. 30, line 17-col. 31, line 67). However, Herz does not explicitly disclose priority order tables.

Gordon teaches retrieving information based on the priority order categories such as movies, news, etc. based on geographical region (col. 7, lines 52-6). Thus, the retrieving information is not directly based on inputted value modes. It would have been obvious to one of ordinary skill in the art to organize the data of categories in tables so that the data is easily located. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz to use the teaching as taught by Gordon in order to provide interest data to multiple users in a particular area thereby improve efficiency in data transmission.

Regarding claim 3, Herz in view of Gordon teaches the method as discussed in the rejection of claim 1. Herz further discloses the method comprising the steps of storing the group user model set-top multimedia terminal (see col. 26, lines 2-5 and col. 48, line 18-25). Herz further discloses on display guide 914, recommended programming (based on user profile) is highlighted in an obvious manner or reordered for the customer's perusal and selection of the desired programming (col. 47, lines 13-35). Necessarily, Herz teaches displaying a program menu (guide) at the end user equipment in a prioritized format according to the user model according with a request from a user to retrieve the program menu.

Regarding claim 4, Herz further teaches wherein when the maximum value mode is selected, a genre having the highest degree of taste (customer's most

preferred category) is continually selected from among a plurality of genres (westerners, comedies, dramas, etc.) constituting the group user model and liked by each specific user of the group (see col. 11, line 60-col. 12, line 58).

Regarding claim 5, Herz further teaches wherein when the minimum value mode is selected, at least a genre having the lowest degree of taste is continually selected from among the genres constituting the group user model and liked by each specific user of the group (for example, displaying category with least satisfaction, which has scale of zero- col. 11, lines 1-35; col. 12, lines 26-67, col. 20, lines 15-67).

Regarding claims 7, 9-11, the apparatus elements being claimed correspond to the method elements of claims 1, 3-5 and analyzed as discussed with respect to claims 1, 3-5.

Regarding claim 13, Herz discloses a method for accessing to video programs and other data using customer profiles comprising the steps of:
forming a specific user model for a specific user based at least upon the specific user's own selection data (see col. 14, lines 1- 49);
registering the specific user model formed for each of plural users, whereby a plurality of specific user models are registered and correspond to respective users (storing user profile correspond to respective users – col. 9, lines 41-62);

forming a group user model (clustering customer profiles) on the basis of the plurality of specific user models and retrieving information based on the group user model (see col. 5, lines 40-59, col. 15, lines 40-50), wherein the group user model is employed to retrieve information in accordance with one of a plurality of user selectable modes, wherein the plurality of user selectable modes includes a maximum value mode, minimum value mode, and an average value mode (broadly met by cluster customer profiles is used to retrieve information (i.e., recommended list) in accordance with one of the select rating value i.e., greatest satisfaction or "like", wherein the selection ratings values includes greatest satisfaction (i.e., rating value of 10 or "like"), least satisfaction (i.e., rating value of zero or "dislike"), and an average satisfaction (e.g. rating value of 5) – see (col. 11, lines 1-35; col. 15, lines 7-61, col. 21, line 20-63);
wherein a determination of the information retrieval method is based on the priority order data and not on user-input value mode (determination of information retrieval method based on user profile which formed by passive feedback information, "like", "dislike", etc., not directly based on user-inputted value modes- col. 26, line 10-col. 28, line 58; col. 30, line 17-col. 31, line 67). However, Herz does not explicitly disclose priority order tables.

Gordon teaches retrieving information based on the priority order categories such as movies, news, etc. based on geographical region (col. 7, lines 52-6). It would have been obvious to one of ordinary skill in the art to organize the data of categories in tables so that the data is easily located. Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz to use the teaching as taught by Gordon in order to provide interest data to multiple users in a particular area thereby improve efficiency in data transmission.

Regarding claim 19, Herz in view of Gordon teaches a method as discussed in the rejection of claim 3. Herz further teaches the program menu is an EPG (program guide), which is displayed, in the prioritized format via rearrangement of menu content of the EPG in accordance with a genre priority order according to the selected group user model (col. 47, lines 11-30).

Regarding claim 20, Herz in view of Gordon teaches a method as discussed in the rejection of claim 3. Herz further the program menu is an electronic program guide (electronic program or display guide) which is displayed in the prioritized format via display of selected menu contents of the EPG in a differentiating manner with respect to non-selected menu content on common screen (highlighting recommended program on display guide 194 -see col. 47, lines 15-30), the selected menu contents being selected in accordance with the group user model (col. 47, lines 15-30; col. 49, lines 10-62).

Regarding claim 21, Herz discloses a method for recommending one or more video programs meeting a group user preference (col. 5, lines 40-59; col. 8, lines 21-36), comprising:

enabling each user of a group of users of common end user equipment to input video program preference data (user input user's preference directly or by monitoring the viewer behaviors – col. 11, line 1-col. 12, line 40);

processing the inputted program preference data to create a specific user model for each user in the group (processing inputted preference data to create user profile for each user in the cluster – col. 12, lines 9-58; col. 13, line 42-col. 14, line 64);

forming a group user model on the basis of the plurality of specific user models (forming a cluster of customers based on the plurality of specific customer profiles – col. 15, lines 40-61; col. 30, line 64-col. 31, line 23; col. 35, line 5-40);

retrieving information based on priority order located in the group user model (col. 36, lines 10-23; col. 47, lines 1-30);

storing the formed group user model in a group user's preference database (storing the formed cluster in database– col. 42, lines 55-63);

receiving program guide information (col. 25, lines 55-62; col. 43, lines 2-15);

base on the group's user preference in database, recommended programming may be highlighted directly on the electronic program guide (col. 23, lines 40-67). Inherently, one or more programs which may be of interest to a group user by use of the group user's preference database and the program guide information is determined;

generating a display signal representing a prioritized screen which includes a list of the determined programs (col. 23, lines 20-67);

selecting, via a user interface, a program from the displayed list for viewing (the viewer watch program-col. 35, lines 30-50. Inherently, the program from the list is selected);

wherein the group user model is employed to retrieve information in accordance with one of a plurality of user selectable modes, wherein the plurality of user selectable modes includes a maximum value mode, minimum value mode, and an average value mode (broadly met by cluster customer profiles is used to retrieve information (i.e., recommended list) in accordance with one of the select rating value i.e., greatest satisfaction or "like", wherein the selection ratings values includes greatest satisfaction (i.e., rating value of 10 or "like"), least satisfaction (i.e., rating value of zero or "dislike"), and an average satisfaction (e.g. rating value of 5) – see (col. 11, lines 1-35; col. 15, lines 7-61, col. 21, line 20-63);

wherein a determination of the information retrieval method is based on the priority order data and not on user-input value mode (determination of information retrieval method based on user profile which formed by passive feedback information, "like", "dislike", etc., not directly based on user-inputted value modes- col. 26, line 10-col. 28, line 58; col. 30, line 17-col. 31, line 67). However, Herz does not explicitly disclose priority order tables.

Gordon teaches retrieving information based on the priority order categories such as movies, news, etc. based on geographical region (col. 7, lines 52-6). Thus, the retrieving information is not directly based on inputted value modes. It would

have been obvious to one of ordinary skill in the art to organize the data of categories in tables so that the data is easily located. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Herz to use the teaching as taught by Gordon in order to provide interest data to multiple users in a particular area thereby improve efficiency in data transmission.

Regarding claims 23-24, the additional limitations as claimed correspond to the additional limitations as claimed in claims 19-20 respectively, and are analyzed as discussed with respect to the rejection of claims 19-20.

Regarding claims 25, 27-28, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 21,23-24 and are analyzed as discussed with respect to the rejection of claims 21, 23-24.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Birdwell et al. (US 6,108,706) discloses user selection of "strongly like", "like", "dislike", "strongly dislike" to generate user profile (col. 7, lines 50-64) broadly

reads on the claimed feature of "plurality of user selectable modes includes a maximum value mode, a minimum value mode, and an average value mode."

Callaghan (US 5,937,397) discloses social learning inferencing engine for intelligent agent environment.

Etheredge (US 6,172,674) discloses smart filtering.

Rowe et al. (US 6,008,803) discloses tables of categories (col. 5, lines 37-53).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH
September 7, 2005

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600